

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL C. SCHMIDT,	:	
Plaintiff	:	
	:	No. 1:09-CV-0323
v.	:	
	:	Judge Jones
JAMES P. CREEDON, CONNIE A.	:	
TENNIS, RICHARD S. SHAFFER	:	Electronically Filed Document
<i>and</i> GREGORY A. GREEN,	:	
Defendants	:	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants James P. Creedon, Connie A. Tennis, Richard S. Shaffer, and Gregory A. Green, (hereinafter collectively “the defendants”), through their counsel and pursuant to Federal Rule of Civil Procedure 56, hereby request that this Court enter summary judgment in their favor and against plaintiff Michael C. Schmidt. There are no genuine issues of material fact in dispute and, based upon those undisputed facts, the defendants are entitled to judgment in their favor as a matter of law.

In support of this motion, the defendants refer the Court to their Statement of Material and Undisputed Facts and supporting brief. The supporting brief and exhibits will be filed pursuant to the local rules.

WHEREFORE, the motion of the defendants should be granted and judgment should be entered in their favor as a matter of law. The complaint against the defendants should be dismissed with prejudice.

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

By: *s/ M. Abbegael Giunta*

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SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Civil Litigation Section

Date: December 1, 2009

Counsel for Defendants

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CERTIFICATE OF NONCONCURRENCE

I, M. Abbegael Giunta, counsel for defendants, have sought, but did not obtain concurrence in the Defendants' Motion for Summary Judgment from Nathan Pringle, Esquire, counsel for Plaintiff.

s/ M. Abbegael Giunta
M. ABBEGAEL GIUNTA
Deputy Attorney General

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CERTIFICATE OF SERVICE

I, M. Abbegael Giunta, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on December 1, 2009, I caused to be served a true and correct copy of the foregoing document titled Defendants Motion for Summary Judgment via electronic filing to the following:

Nathan C. Pringle, Jr., Esquire
2300 Vartan Way
Second Floor
Harrisburg, PA 17110

s/ M. Abbegael Giunta
M. ABBEGAEL GIUNTA
Deputy Attorney General